REMARKS

I. Introduction

In response to the Office Action dated December 14, 2005, Applicants have amended claims 1 and 7 – 11 to more particularly point out and distinctly claim the subject matter of the invention. No new matter has been added. Claims 2 and 3 have been cancelled. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

II. Claim Rejections Under 35 U.S.C. § 112

Claims 1 – 11 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner asserts that the recitations "a material having a negative polarity", "sulton", "KrAr", and "Ar_2" are not taught by the specification as originally filed. Applicants have amended the claims to remove these recitations. Accordingly, withdrawal of this rejection is respectfully requested.

III. Double Patenting

Claims 1, 4, and 5 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1 – 3 of co-pending application 10/643,929. Claim 1, as amended, overcomes this rejection. Accordingly, withdrawal of this rejection is respectfully requested.

IV. Claim Rejections Under 35 U.S.C. §§ 102 and 103

Claims 1, 5, and 6 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by the article "Immersion Lithography at 157 nm" by Switkes. Claims 2 – 4 and 7 – 11 stand

rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Switkes in view of U.S. Patent No. 6,962,766 to Uenishi. Applicants traverse these rejections for at least the following reasons.

Claim 1, as amended, recites a pattern forming method comprising the step of forming a resist film of a chemically amplified resist material including a base polymer and an acid generator for generating an acid through irradiation with light, the material further including sultone, carbohydrate sultone, sultine, or carbohydrate sultine. At least this feature is not disclosed or suggested by either of the cited references.

Switkes appears to be an article providing background information regarding immersion lithography. Switkes does not disclose a resist material including sultone, carbohydrate sultone, sultine, or carbohydrate sultine, as recited in claim 1.

Thus, as anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), and at a minimum, Switkes fails to disclose a pattern forming method comprising the step of forming a resist film of a chemically amplified resist material including a base polymer and an acid generator for generating an acid through irradiation with light, the material further including sultone, carbohydrate sultone, sultine, or carbohydrate sultine, it is clear that Switkes does not anticipate claim 1 or any claims dependent thereon.

Uenishi does not overcome the deficiencies of Switkes. Uenishi appears to disclose a photoresist composition used in a lithographic process. However, Uenishi does not teach or suggest the structure of the invention as recited in claim 1, wherein a resist material includes sultone, carbohydrate sultone, sultine, or carbohydrate sultine. Accordingly, as each and every

limitation must be disclosed or suggested by the cited prior art references in order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 (see, M.P.E.P. § 2143.03), and neither Switkes or Uenishi, alone or in combination with each other does not do so, it is respectfully submitted that claim 1 is patentable over these references.

Claims 4 – 11 depend from claim 1. Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all dependent claims are also in condition for allowance.

V. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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